

MELINDA HAAG (CABN 132612)  
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)  
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)  
Assistant United States Attorney  
1301 Clay Street, Suite 340S  
Oakland, California 94612  
Telephone: (510) 637-3680  
FAX: (510) 637-3724  
Brigid.Martin@usdoj.gov

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OCT 28 2014

RICHARD W. WHELAN  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

v.

CLARENCE ANDREWS,

Defendant.

) NO. CR-14-00094 YGR

) STIPULATION AND ~~PROPOSED~~ ORDER TO  
) RESET SENTENCING

The defendant pleaded guilty on March 14, 2014, to a charge of Conspiracy to Commit Robbery Affecting Interstate Commerce, in violation of 18 U.S.C. § 1951(a). The parties did not enter a plea agreement; the defendant merely pleaded open in Court, admitting his participation in several robberies and the overarching conspiracy. The case is currently set for sentencing before this Court on November 5, 2014, at 11:00 a.m. The parties jointly request for the reasons stated herein that the sentencing hearing be vacated and reset for Thursday, December 18, 2014, at 2:00 p.m.

Defense counsel, Ellen Leonida, will be starting a trial before the Honorable Phyllis J. Hamilton

1 that is anticipated to last two weeks. Although Judge Hamilton is dark on Wednesdays, Ms. Leonida  
2 needs time to prepare for trial, as well to prepare for Mr. Andrews's sentencing hearing. Mr. Andrews's  
3 case is part of a larger conspiracy involving many robberies, and there has been no plea agreement  
4 between the parties.

5 In addition, the government expects to receive information from some of the robbery victims,  
6 though it has not yet received any statements. Because this case was previously under seal, the  
7 notifications to victims were sent out a bit later than usual and the customary direct links to PACER and  
8 the Court's calendar have not been accessible to victims. The government recently filed a motion to  
9 unseal the case but for specific documents, and anticipates that this will remedy any issues with victims  
10 being able to track the sentencing dates set by the Court.

11 For these reasons, the sentencing in this case will likely involve more argument between the  
12 parties on appropriate offense level and sentence, and the facts and issues in this case are, relatively  
13 speaking, more complex than in other cases.

14 Because defendant Mr. Andrews has already pleaded guilty, the Speedy Trial Act is no longer an  
15 issue, and putting over sentencing with the agreement of both parties will not violate the defendant's  
16 speedy trial rights. The government has received confirmation from U.S. Probation Officer Emily Libby  
17 that she is available on December 18, 2014, for sentencing.

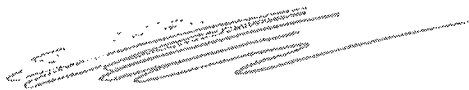
18 The parties therefore jointly request that this matter be put over for sentencing on December 18,  
19 2014, at 2:00 p.m.

20  
21 DATED: October 28, 2014

Respectfully submitted,

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23 BRIGID S. MARTIN  
24 Assistant United States Attorney

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26 ELLEN LEONIDA  
27 Counsel for Mr. Andrews

[PROPOSED] ORDER

Based on the representations of the parties set forth above, for good cause shown, the Court hereby GRANTS the parties Stipulation to reset the sentencing in this case. The hearing currently scheduled for November 5, 2014, at 11:00 a.m., is hereby VACATED, and the sentencing is RESET for December 18, 2014, at 2:00 p.m. before this Court.

Sentencing Memorandums are to be filed by December 4, 2014

  
HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge

DATED: October 31. 2014, 2014